

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE POLICY FILING	)	
MADE BY DELMARVA POWER & LIGHT	)	
COMPANY ENTITLED PROPOSED FORWARD	)	PSC DOCKET NO. 13-384
LOOKING RATE PLAN	)	
(FILED OCTOBER 2, 2013)	)	

**ORDER NO. 8546**

**AND NOW**, this 15th day of April, 2014, the Delaware Public Service Commission ("Commission") determines and orders the following:

**WHEREAS**, on October 2, 2013, Delmarva Power & Light Company ("Delmarva") filed with the Commission a policy filing entitled "Proposed Forward Looking Rate Plan of Delmarva Power & Light Company" (the "FLRP" or the "Plan") requesting that the Commission examine its Plan proposing to set electric distribution rates for next four years; and

**WHEREAS**, on October 22, 2013, this Commission opened a docket via Order No. 8467 to consider the FLRP and also designated Mark Lawrence as the Hearing Examiner to schedule and conduct, upon due notice, such evidentiary hearings, as may be necessary, to have a full and complete record concerning all issues raised by Delmarva's policy filing and to file with the Commission thereafter his proposed findings and recommendations.<sup>1</sup> See Order No. 8467, ¶¶ 1 to 3; and

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<sup>1</sup> Order No. 8467 stated that "the Commission shall delegate to a Hearing Examiner the authority to grant or deny petitions seeking leave to intervene and for admission of counsel pro hac vice"; however, no specific Hearing Examiner was designated in the Order. See Order No. 8467, ¶5.

**WHEREAS**, on November 22, 2013, Representative Edward Osienski filed a Petition for Leave to Intervene (the "Osienski Petition") in this case; and

**WHEREAS**, on January 23, 2014, the Division of the Public Advocate ("DPA") file an Objection to the Osienski Petition; and

**WHEREAS**, on January 27, 2014, Hearing Examiner Lawrence notified the Commission Secretary to include on the Commission's next agenda for its consideration the matter of the Osienski Petition and the DPA's Objection to such Petition; and

**WHEREAS**, on February 6, 2014, this Commission voted to table a discussion and decision on the Osienski Petition; and

**WHEREAS**, thereafter on February 20, 2014, this Commission held an evidentiary hearing on whether to grant the Osienski Petition; and

**WHEREAS**, on February 20, 2014, after considering all of the evidence, including Osienski's Petition, the DPA's Objection, the oral arguments of the DPA and Rep. Osienski, and deliberating in a public session, the Commission makes the following determinations:

**NOW, THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE VOTE OF NOT  
FEWER THAN THREE COMMISSIONERS:**

1. The Commission denies the DPA Objection and grants Rep. Osienski leave to intervene in this matter on an individual basis and not on behalf of any other person or persons, including, but not limited to, any organizations or constituents he may represent.

2. The Commission finds that the provisions of 26 *Del. Admin. C.* 1001-2.9.1 have been met here, namely that Rep. Osienski's participation in this proceeding would be in the public interest given that Rep. Osienski has asserted he has numerous years of experience in

labor negotiations and contract negotiations, that he plans to hire qualified people to assist him with this matter, and that he has resources available for him to do so. Based on these facts, the Commission is convinced that Rep. Osienski has interests differing than the other parties who are already participating in this docket.

3. The Commission orders the designed Hearing Examiner for this matter to not only track the effect that both Rep. Osienski's participation and Rep. Kowalko's participation have on these proceedings, but also to prepare and submit to the Commission a written report, within 30 days from the date of his findings and recommendations to the Commission regarding the Plan, which report should detail what effect, if any, the granting multiple Petitions for Leave to Intervene had on the proceedings and how granting multiple Petitions for Leave to Intervene can be consistent with the provisions of 29 Del. C. ch. 101.

4. The Commission rules that this Order shall not be relied upon for precedential value in any future proceeding or docket and that in the future. Moreover, it is the desire of the Commission, in the future, to continue to carefully considered and determine whether persons petitioning for intervention under 26 Del. Admin. C. §10010-2.9 can add anything additional to the proceedings.

5. The Commission further determines that it will discuss and deliberate on whether to delegate to Hearing Examiner Mark Lawrence

the authority to grant or deny petitions for leave to intervene and motions for admission of counsel *pro hac vice*.<sup>2</sup>

6. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

/s/ Dallas Winslow

Chair

/s/ Joann T. Conaway

Commissioner

/s/ Jaymes B. Lester

Commissioner

/s/ Jeffrey J. Clark

Commissioner

Commissioner

ATTEST:

/s/ Alisa Carrow Bentley

Secretary

<sup>2</sup> Opening Order No. 8467 (October 22, 2013) did not delegate to Hearing Examiner Lawrence this specific task. See Order No. 8467, ¶5.